

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MONICA CANNON-GRANT,

Defendant.

Case No. 22-CR-10057-MLW

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(c), the United States and Defendant Monica Cannon-Grant hereby file the following joint status report prepared in connection with the status conference scheduled for July 26, 2023.

(1) Request for Pretrial Conference

On February 2, 2023, new counsel filed his appearance for Defendant Cannon-Grant and has been in the process of reviewing the material produced to date by the government, as discussed in more detail below. Previously, the government had been in regular communication with Defendant Cannon-Grant's second attorney in the case in an effort to expedite his review of discovery and move the case along as expediently as possible. That discovery was passed along to Attorney Malcolm at approximately the time he filed his notice of appearance.

On March 9, 2023, a grand jury returned a superseding indictment, charging nine new counts, including wire fraud conspiracy, wire fraud, filing false tax returns, and failure to file tax returns. The government made additional productions of material, including material related to the superseding counts, on April 10, 2023, July 11, 2023, and July 12, 2023.

Given that discovery is substantially complete and counsel for Defendant Cannon-Grant has been able to get up to speed on the case, the parties request that a pretrial conference be scheduled before District Court Judge Mark L. Wolf.

(2) Case Status

(A) To date, the government has provided ten installments of a rolling production of automatic discovery on April 26, 2022, May 12, 2022, May 19, 2022, June 9, 2022, July 13, 2022, August 1, 2022, September 15, 2022, April 10, 2023, July 11, 2023,

and July 12, 2023. The government has also compiled and provided an index denoting “hot documents” by Bates number and have been working with defense counsel to assist in identifying, accessing, and reviewing these materials. The government expects to make one additional production of discovery related to superseding counts of the indictment – specifically, early *Jencks* materials relating to one cooperating witness – in short order and will continue to comply with its obligations in accordance with Local Rule 116.1(c).

- (B) With its first production, the government requested reciprocal discovery; no such discovery has been produced at this time. As mentioned above, counsel for Defendant Cannon-Grant is in the process of reviewing the government’s discovery produced to date and evaluating the need for any additional requests.
- (C) On June 10, 2022, a status conference was held before U.S. District Judge Mark L. Wolf. At that conference, the Court set a trial date – on the original indictment – of March 7, 2023, as well as a series of filing deadlines, including with respect to pretrial motions pursuant to Fed. R. Crim. P. 12(b). In light of new counsel (Defendant Cannon-Grant’s previous/second attorney) entering his appearance in September, Judge Wolf granted an assented-to request canceling the relevant deadlines and returning the case to the Magistrate Judge. (Dkt. No. 76.)
- (D) On March 9, 2023, a grand jury returned a 27-count superseding indictment, charging both Defendant Cannon-Grant and her husband, Clark Grant, with three counts of wire fraud conspiracy, one count of conspiracy, seventeen counts of wire fraud, and one count of making false statements to a mortgage lending business; and charging Defendant Cannon-Grant also with mail fraud, filing false tax returns, and failure to file tax returns.
- (E) On April 7, 2023, the government filed a motion to dismiss the superseding indictment as it applies to Defendant Clark Grant due to Mr. Grant’s death; that motion remains pending.
- (F) On June 8, 2023, the government filed a sealed motion for an order to show cause relating to Defendant Cannon-Grant’s violations of bail conditions based on her conduct as fiduciary for her father’s Veterans Affairs and Social Security benefits. Dkt. Nos. 107 and 123. More specifically, the government alleged that Defendant Cannon-Grant had violated the provision that prohibited her from “engaging in any employment, volunteer, or unpaid positions that allow [her] to have access to monetary funds, disbursement of monetary funds, salary payment, or any other fiduciary responsibilities.” During a hearing held on July 14, 2023, Magistrate Judge Dein found that “there was a clear violation of conditions of release and

order[ed that] the Dft. shall not have access to her father's benefit payments.” Dkt. No. 124. A new bail order was issued on July 21, 2023 that added new restrictions relating to Defendant Cannon-Grant’s access to her father’s benefit payments and a further prohibition against engagement in fiduciary responsibilities.

- (G) All of the time from the filing of the indictment on March 14, 2022 has been excluded.
- (H) The parties have not engaged in plea discussions. If a trial is necessary, the parties estimate that a trial in this matter would take approximately three weeks.

(3) Other Matters

Pursuant to the District Court’s Order dated June 10, 2022 (Dkt. No. 38), the parties conferred and proposed pre-trial dates and deadlines for, among other things, expert discovery. (Dkt. No. 56.) The government proposed deadlines of 90 days and 60 days prior to trial for its own and defense expert disclosures; defense counsel proposed 120 days and 60 days, respectively. The parties expect to revisit this and other issues when a new trial date is set.

Respectfully submitted,

<p>MONICA CANNON-GRANT,</p> <p>By her attorney,</p> <p><u>/s/ Christopher L. Malcolm</u> Christopher L. Malcolm Law Office of C. L. Malcolm 15 Court Square, Suite 1150 Boston, MA 02108 clmalcolm@gmail.com 617-645-0089</p>	<p>UNITED STATES OF AMERICA,</p> <p>By its attorney,</p> <p>JOSHUA S. LEVY Acting United States Attorney</p> <p><u>/s/ Adam W. Deitch</u> Dustin Chao Adam W. Deitch Assistant United States Attorneys John Joseph Moakley U.S. Courthouse One Courthouse Way, Suite 9200 Boston, MA 02210 dustin.chao@usdoj.gov adam.deitch@usdoj.gov 617-748-3100</p>
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Dated: July 25, 2023

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Adam W. Deitch
Adam W. Deitch
Assistant United States Attorney

Dated: July 25, 2023